

United States Environmental Protection Agency (EPA)
National Pollutant Discharge Elimination System (NPDES)

PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 *United States Code* [U.S.C.] 1251 *et seq.*), any Operator of a point source discharge of pollutants (i.e., discharge) resulting from the application of pesticides and eligible for permit coverage under Part 1.1 and located in an area identified in Appendix C where this permit is available is authorized to discharge to Waters of the United States in accordance with the requirements of this permit. This permit is structured as follows:

- General permit conditions for all Operators are found in Parts 1 through 8;
- State- and tribal-specific permit conditions that apply to all Operators in those specific State or Indian Country Lands are found in Part 9;
- Definitions of terms used in the permit and standard permit conditions that apply to all Operators are found in Appendices A and B, respectively; and
- Permit forms, worksheets, and templates are found in Appendices D through G.

This permit becomes effective on October 31, 2011.

This permit and the authorization to discharge expire at midnight, October 31, 2016.

Provide the signature and date below:

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1.0 Coverage under This Permit

This permit covers any Operator who meets the eligibility requirements identified in Part 1.1 and if so required, has submitted a Notice of Intent (NOI) in accordance with Part 1.2.

For the purpose of this permit, “Operator” is defined in Appendix A to mean any entity associated with the application of pesticides which results in a discharge to Waters of the United States that meets either of the following two criteria: (1) any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities); or (2) any entity with control over the decision to perform pesticide applications including the ability to modify those decisions. Operators identified in (1) above are referred to in this permit as Applicators while Operators identified in (2) are referred to in this permit as Decision-makers. As defined, more than one Operator may be responsible for complying with this permit for any single discharge from the application of pesticides.

For purposes of this permit, all Operators are defined as either an Applicator or a Decision-maker or both an Applicator and a Decision-maker.

When an Operator is both an Applicator and a Decision-maker, the Operator must comply with all applicable requirements imposed on both Applicators and Decision-makers. When the permit references all “Operators,” both Applicators and Decision-makers must comply.

1.1 Eligibility

1.1.1 Activities Covered

This permit is available to Operators who discharge to Waters of the United States from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (collectively called *pesticides*), when the pesticide application is for one of the following pesticide use patterns:

- a. **Mosquito and Other Flying Insect Pest Control**—to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include mosquitoes and black flies.
- b. **Weed and Algae Pest Control**—to control weeds, algae, and pathogens that are pests in water and at water’s edge, including ditches and/or canals.
- c. **Animal Pest Control**—to control animal pests in water and at water’s edge. Animal pests in this use category include fish, lampreys, insects, mollusks, and pathogens.
- d. **Forest Canopy Pest Control**—application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water.

1.1.2 Limitations on Coverage

1.1.2.1 Discharges to Water Quality Impaired Waters

Operators are not eligible for coverage under this permit for any discharges from a pesticide application to Waters of the United States if the water is identified as impaired by a substance which either is an active ingredient in that pesticide or is a degradate of such an active ingredient. For purposes of this permit, impaired waters are those that have been identified by a state, tribe, or EPA pursuant to section 303(d) of the CWA as not meeting applicable state or tribal water quality standards. Impaired waters, for the purposes of this permit, consist of both waters with EPA-approved or EPA-established total maximum daily loads (TMDLs) and waters for which EPA has not yet approved or established a TMDL. A list of those waters is available at www.epa.gov/OWOW/tmdl/. If a discharge from a pesticide application would not be eligible under this permit because the water is listed as impaired for that specific pesticide, but there is evidence that shows the water is no longer impaired, Operators may submit this information to EPA consistent with Table 1-2 in Part 1.2.3, and request that coverage be allowed under this permit.

1.1.2.2 Discharges to Waters Designated as Tier 3 for Antidegradation Purposes

Except for discharges from pesticide applications made to restore or maintain water quality or to protect public health or the environment that either do not degrade water quality or only degrade water quality on a short-term or temporary basis, Operators are not eligible for coverage under this permit for discharges to Waters of the United States if the water is designated by a state or tribe as Tier 3 (Outstanding National Resource Waters) for antidegradation purposes under Title 40 of the *Code of Federal Regulations* (CFR) 131.12(a)(3). A list of Tier 3 waters in geographic areas covered under this permit is available on EPA's website at www.epa.gov/npdes/pesticides.

1.1.2.3 Discharges Currently or Previously Covered by another Permit

Discharges are not eligible for coverage under this permit if any of the following circumstances apply:

- a. The discharge is covered by another NPDES permit, or
- b. The discharge was included in a permit that in the past 5 years has been or is in the process of being denied, terminated, or revoked by EPA (this does not apply to the routine reissuance of permits every 5 years).

1.1.2.4 Endangered and Threatened Species and Critical Habitat Protection

Coverage under this permit is available only for discharges and discharge-related activities that are not likely to adversely affect species that are federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) or habitat that is federally-designated as critical under the ESA ("critical habitat"), except as provided in Criterion B, C, and, for 60 days, D, below. As one of the provision in this permit that help limit adverse effects to these resources, the six criteria (A-F) below relate to the impacts a prospective discharger's activities may have on a subset of these listed species and critical habitat. Specifically, the conditions below relate to potential impacts on NMFS Listed Resource of Concern, as defined in Appendix A. These are resources that have been identified through

consultation with NMFS as having potential vulnerability that warrants the additional protections entailed in compliance with A-F. Other provisions that protect listed species more broadly include Section 1.6, which requires compliance with any conditions resulting from an ESA Section 7 consultation or ESA Section 10 permit, and the waiting period between NOI submittal and authorization to discharge, which provides an opportunity for NMFS and the U.S. Fish and Wildlife Service, EPA, and members of the public to identify any potential impacts on listed species and for EPA to notify the permittee if further conditions or an individual permit are necessary.

A step-by-step guide for determining eligibility with these conditions relating to the protection of NMFS Listed Resources of Concern, as defined in Appendix A, is provided in Appendix I of the permit. To demonstrate eligibility, Decision-makers must meet one or more of the following six criteria (A-F) for the entire term of coverage under the permit:

Criterion A. Pesticide application activities will not result in a point source discharge to one or more Waters of the United States containing National Marine Fisheries Service (NMFS) Listed Resources of Concern, as defined in Appendix A, for this permit.

Criterion B. Pesticide application activities for which permit coverage is being requested will discharge to one or more receiving Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, but consultation with NMFS under section 7 of the ESA has been concluded for pesticide application activities covered under this permit. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action. The consultation addressed the effects of pesticide discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in either:

- i. A biological opinion from NMFS finding no jeopardy to federally-listed species and no destruction/adverse modification of federally-designated critical habitat; or
- ii. Written concurrence from NMFS with a finding that the pesticide discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat.

Criterion C. Pesticide application activities for which permit coverage is being requested will discharge to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, but all “take” of these resources associated with such pesticide application activities has been authorized through NMFS’ issuance of a permit under section 10 of the ESA, and such authorization addresses the effects of the pesticide discharges and discharge-related activities on federally-listed species and federally-designated critical habitat. (The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. See Section 3 of the Endangered Species Act, 16 U.S.C. § 1532(19).)

Criterion D. Pesticide application activities were, or will be, discharged to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, but only in response to a Declared Pest Emergency Situation. Decision-makers must provide EPA with their rationale supporting the determination whether the discharge is likely to adversely affect NMFS Listed Resources of Concern, including the description of appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

Criterion E. Pesticide application activities for which permit coverage is being requested in the NOI will discharge to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A. Eligible discharges include those where the Decision-maker includes in the NOI written correspondence from NMFS that pesticide application activities performed consistent with appropriate measures will avoid or eliminate the likelihood of adverse effects to Listed Resources of Concern. Eligibility under this criterion is contingent upon the Decision-maker following the measures described in correspondence from NMFS designed to avoid or eliminate the likelihood of adverse effects.

Criterion F. Pesticide application activities for which permit coverage is being requested in the NOI will discharge to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A. Eligible discharges include those from pesticide application activities that are demonstrated by the Decision-maker as not likely to adversely affect NMFS Listed Resources of Concern or that the pest poses a greater threat to the NMFS Listed Resources of Concern than does the discharge of the pesticide. Decision-makers must provide EPA with their documentation demonstrating the basis for their finding.

1.2 Authorization to Discharge under This Permit

1.2.1 How to Obtain Authorization

The following discharges, consistent with the permit eligibility provisions in Part 1.1, are automatically authorized by this permit beginning October 31, 2011.

- Eligible discharges made prior to the NOI submission deadline. See Table 1-2 in Part 1.2.3;
- Eligible discharges that result from the application of a pesticide as part of *pesticide research and development*, as defined in Appendix A;
- Eligible discharges for which submission of an NOI is not required. See Parts 1.2.2 and 1.2.3.

To obtain authorization under this permit for all other eligible discharges, a Decision-maker must submit a timely, complete, and accurate NOI consistent with the requirements of Parts 1.2.2 and 1.2.3.

1.2.2 Decision-makers Required to Submit an NOI

Any “Decision-maker who is or will be required to submit an NOI” as defined in Appendix A, is identified in Table 1-1.

For calculating annual treatment area totals for purposes of determining if an NOI must be submitted, see the definition for “annual treatment area threshold” in Appendix A of the permit.

An NOI provides notice to EPA that a Decision-maker intends to discharge to Waters of the United States from pesticide application activities eligible for coverage under this permit. Information required is provided on the NOI form included in Appendix D. The

NOI must identify the pest management area where the Decision-maker will conduct activities resulting in discharges to Waters of the United States to be covered under this permit. If the activities will result in discharges to any Tier 3 water, eligible under Part 1.1.2.2, the NOI must specifically identify the Tier 3 water by the name listed at www.epa.gov/npdes/pesticides.

If required to submit an NOI, a Decision-maker must submit the NOI once, in accordance with the deadlines in Part 1.2.3, Table 1-2. The Decision-maker must submit an updated NOI if the criteria in Part 1.2.3, Table 1-3 are met. The Decision-maker must prepare and submit the NOI using EPA's electronic Notice of Intent system (eNOI) available on EPA's website (www.epa.gov/npdes/pesticides/eNOI) unless eNOI is otherwise unavailable or the Decision-maker has obtained a waiver from the requirement to use eNOI for submission of the NOI. Decision-makers waived from the requirement to use eNOI for NOI submission must certify on the paper NOI submitted to EPA that use of eNOI will incur undue burden or expense compared to using the paper Notice of Intent form and then provide a basis for this determination. EPA will immediately post on that website all NOIs received. Late NOIs will be accepted, but authorization to discharge will not be retroactive.

Coverage will be available for the duration of the permit for Decision-makers who file an NOI, including the Decision-makers' employees, contractors, subcontractors, and other agents, for all activities identified on the NOI unless coverage is terminated pursuant to Parts 1.2.5 or 1.3. If a submitted NOI is not timely, accurate, or complete, any employee, contractor, subcontractor or other entity that discharges without the required NOI is not covered by this permit.

Applicators who are not also Decision-makers do not need to submit an NOI.

1.2.3 Discharge Authorization Date

Except for discharges identified in Tables 1-1 through 1-3, any Operator with eligible discharges is automatically authorized to discharge under this permit without submission of an NOI. Decision-makers with eligible discharges identified in Tables 1-1 through 1-3 are authorized under this permit consistent with the requirements in those tables.

On the basis of a review of an NOI or other information, EPA may delay authorization to discharge beyond any timeframe identified in Table 1-2, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

All Operators with eligible discharges are authorized for permit coverage through January 12, 2012 without submission of an NOI. After January 12, 2012, all Operators with eligible discharges for which an NOI is not required also are automatically covered under this permit. After January 12, 2012, all Decision-makers with eligible discharges for which an NOI is required are required to submit an NOI consistent with the earliest applicable due date identified in Table 1-2. Decision-makers may submit multiple NOIs with different activities on each of those NOIs such that discharges from different activities are authorized at different times.

Decision-makers who are required to submit an NOI, but are discharging between October 31, 2011 and January 12, 2012, must begin complying with Part 2.2 requirements as of October 31, 2011.

Table 1-1. Decision-makers Required to Submit NOIs

PGP Part/ Pesticide Use	Which Decision-makers Must Submit NOIs?	For Which Pesticide Application Activities?
All four use patterns identified in Part 1.1.1	Any Decision-maker with an eligible discharge to a Tier 3 water (Outstanding National Resource Water) consistent with Part 1.1.2.2	Activities resulting in a discharge to a Tier 3 water
All four use patterns identified in Part 1.1.1	Any Decision-maker with an eligible discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A	Activities resulting in a discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A
1.1.1(a) - Mosquito and Other Flying Insect Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All mosquito and other flying insect pest control activities resulting in a discharge to Waters of the United States.
	Mosquito control districts, or similar pest control districts	All mosquito and other flying insect pest control activities resulting in a discharge to Waters of the United States.
	Local governments or other entities that exceed the <i>annual treatment area threshold</i> identified here	Adulticide treatment if more than 6,400 acres during a calendar year
1.1.1(b) - Weed and Algae Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All weed and algae pest control activities resulting in a discharge to Waters of the United States.
	Irrigation and weed control districts, or similar pest control districts	All weed and algae pest control activities resulting in a discharge to Waters of the United States.
	Local governments or other entities that exceed the <i>annual treatment area threshold</i> identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1(c) - Animal Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All animal pest control activities resulting in a discharge to Waters of the United States.
	Local governments or other entities that exceed the <i>annual treatment area threshold</i> identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1(d) - Forest Canopy Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All forest canopy pest control activities resulting in a discharge to Waters of the United States.
	Local governments or other entities that exceed the <i>annual treatment area threshold</i> identified here	Treatment if more than 6,400 acres during a calendar year

Table 1-2. NOI Submittal Deadlines and Discharge Authorization Dates for Discharges from the Application of Pesticides¹

After January 12, 2012, any eligible discharge for which an NOI is required must submit an NOI consistent with the earliest due date identified below. If EPA receives an NOI on or before January 2, 2012 (or on or before December 12, 2011, for discharges to Waters of the United States containing NMFS Listed Resources of Concern), uninterrupted coverage continues². NOI due dates for any discharges occurring on or after January 12, 2012 are as follows:

Operator Type	NOI Submission Deadline	Discharge Authorization Date²
Any Decision-maker with any discharge to Waters of the United States containing NMFS Listed Resources of Concern, except for those discharges in response to a Declared Pest Emergency Situation, as defined in Appendix A.	At least 30 days before any discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A. ⁵	No earlier than 30 days after EPA posts on the Internet a receipt of a complete and accurate NOI. ^{3,5}
Any Decision-maker with a discharge in response to a Declared Pest Emergency for which that activity triggers the NOI requirement identified in Part 1.2.2, except for any discharges to Waters of the United States containing NMFS Listed Resources of Concern.	At least 30 days after beginning discharge.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation.
Any Decision-maker with any discharge to Waters of the United States containing NMFS Listed Resources of Concern, in response to a Declared Pest Emergency Situation, as defined in Appendix A.	Within 15 days after beginning to discharge in response to a Declared Pest Emergency Situation.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation for a period of at least 60 days. ⁴
Any Decision-maker that exceeds any annual treatment area threshold.	At least 10 days before exceeding an annual treatment area threshold.	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI.
Any Decision-maker otherwise required to submit an NOI as identified in Table 1-1.	At least 10 days before any discharge for which an NOI is required.	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI.

¹ State, territory and tribal specific requirements in addition to the requirements in this table are provided in Part 9.0.

² On the basis of a review of an NOI or other information, EPA may delay authorization to discharge beyond any timeframe identified in Table 1-2, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

³ Within 30 days after EPA posts on the Internet receipt of a complete and accurate NOI, for those areas with NMFS Listed Resources of Concern, as defined in Appendix A, NMFS will provide EPA with a determination as to whether it believes the eligibility criterion of "not likely to adversely affect listed species or designated critical habitat" has been met, could be met with conditions that NMFS identifies, or has not been met. EPA expects to rely on NMFS's determination in deciding whether to withhold authorization. If NMFS does not provide EPA with this information within 30 days of EPA posting on the Internet receipt of a complete and accurate NOI, the discharges will be authorized 30 days after EPA posts on the Internet receipt of a complete NOI.

⁴ In any Declared Pest Emergency Situation in areas with Waters of the United States containing NMFS Listed Resources of Concern, NMFS will have 30 days after submission of an NOI to provide EPA with a determination as to whether it believes the eligibility criteria of "not likely to adversely affect listed species or designated critical habitat" has been met, could be met with conditions that NMFS identifies, or has not been met. EPA expects to rely on NMFS's determination in deciding whether to disallow continued permit coverage or if additional conditions are necessary. If NMFS does not provide EPA with a recommendation within 30 days of EPA posting on the Internet receipt of a complete and accurate NOI, authorization for these discharges will continue. If EPA identifies additional permit conditions or prohibitions, or includes additional permit conditions or prohibitions recommended by NMFS, as necessary to qualify discharges for particular Operators as eligible for coverage beyond 60 days under the PGP, those conditions remain in effect for the life of the permit.

⁵ EPA may authorize certain discharges in less than 30 days, but no fewer than 10 days, for any discharges authorized under Criterion B, C, or E of Part 1.1.2.4 (for which NMFS has already evaluated the effects of these discharges).

Table 1-3. NOI Change of Information Submittal Deadlines and Discharge Authorization Dates

Operator Type	NOI Submission Deadline	Discharge Authorization Date
<p>Any Decision-maker requiring permit coverage for a pest management area not identified on a previously submitted NOI for this permit, except for discharges to any;</p> <p>(1) Tier 3 water or (2) Waters of the United States containing NMFS Listed Resources of Concern.</p> <p>Except for such waters, changes other than identification of a new pest management area or a new pesticide use pattern do not require a revised NOI submittal.</p>	<p>At least 10 days before beginning to discharge in that newly identified area unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 30 days after beginning discharge.</p>	<p>No earlier than 10 days after EPA posts on the Internet the receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.</p>
<p>Any Decision-maker discharging to a Tier3 water not identified by name on a previously submitted NOI for this permit, except for Tier 3 waters containing NMFS Listed Resources of Concern</p>	<p>At least 10 days before beginning to discharge in that newly identified Tier-3 water unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 30 days after beginning discharge.</p>	<p>No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.</p>
<p>Any Decision-maker with any discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, not identified on a previously submitted NOI for this permit. This includes changes in any treatment area, pesticide product, method or rate of application, or approximate dates of applications.</p>	<p>At least 30 days before beginning to discharge in that newly identified water containing NMFS Listed Resources of Concern unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 15 days after beginning discharge.</p>	<p>No earlier than 30 days after EPA posts on the Internet receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.</p>

1.2.4 Continuation of This Permit

If this permit is not reissued or replaced before the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in force and effect. If an Operator was authorized to discharge under this permit before the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of the following:

- a. A Decision-maker is authorized for coverage under a reissued permit or a replacement of this permit, following the timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and in compliance with the requirements of the NOI;
- b. A Decision-maker submits a Notice of Termination and that notice is processed and posted on the Internet consistent with Part 1.2.5.1;
- c. An NPDES individual permit for a discharge resulting from application of a pesticide that would otherwise be covered under this permit is issued or denied;
- d. EPA issues a formal permit decision not to reissue this general permit, at which time EPA will identify a reasonable period for covered dischargers to seek coverage under an alternative NPDES general permit or an NPDES individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- e. EPA has informed the Operator that its discharge is no longer covered under this permit.

1.2.5 Terminating Coverage

1.2.5.1 Submitting a Notice of Termination. To terminate permit coverage, a Decision-maker who is required to submit an NOI as identified in Part 1.2.2, must submit a complete and accurate Notice of Termination. Information required to be included in a Notice of Termination is provided in Appendix E. Decision-makers required to submit a Notice of Termination must prepare and submit that information using EPA's electronic eNOI system (www.epa.gov/npdes/eNOI) unless eNOI is otherwise unavailable or EPA waives the electronic submission requirement for an Operator consistent with the requirements identified on the Notice of Termination form in Appendix E. The authorization to discharge under this permit terminates at 11:59 p.m. of the day that a complete Notice of Termination is processed and posted on EPA's website (www.epa.gov/npdes). If a Decision-maker submits a Notice of Termination without meeting one or more of the conditions identified in Part 1.2.5.2, the Notice of Termination is not valid. Decision-makers are responsible for complying with the terms of this permit until authorization is terminated. If required to submit annual reports pursuant to Part 7 prior to the termination of authorization under this permit, Decision-makers must file an annual report for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the following year.

1.2.5.2 When to Submit a Notice of Termination. A Decision-maker who is required to submit an NOI as identified in Part 1.2.2 must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

- a. A new Decision-maker has taken over responsibility of the pest control activities covered under an existing NOI;
- b. The Decision-maker has ceased all discharges from the application of pesticides for which permit coverage was obtained and does not expect to discharge during the remainder of the permit term for any of the use patterns as identified in Part 1.1.1; or
- c. The Decision-maker has obtained coverage under an NPDES individual permit or an alternative NPDES general permit for all discharges required to be covered by an NPDES permit, unless coverage was obtained consistent with Part 1.3, in which case coverage under this permit will terminate automatically.

1.2.5.3 Termination for Operators not Required to Submit an NOI. Operators covered under this permit, who are not required to submit an NOI, are terminated from permit coverage when there is no longer a discharge from the application of pesticides or the discharges are covered under an NPDES individual permit or alternative NPDES general permit.

1.3 Alternative Permits

1.3.1 Requirements for Coverage under an Alternative Permit

In accordance with 40 CFR 122.64 and 124.5, EPA may require Operators to apply for and/or obtain authorization to discharge under either an NPDES individual permit or an alternative NPDES general permit.

If EPA requires an Operator to apply for an NPDES individual permit, EPA will notify the Operator in writing that a permit application is required. Such a notification will include a brief statement of the reasons for the decision and will provide application information. In addition, for Operators whose discharges are authorized under this permit, any notice will set a deadline to file the permit application and will include a statement that on the effective date of the NPDES individual permit, coverage under this general permit will terminate. EPA may grant additional time to submit the application if an Operator submits a request setting forth reasonable grounds for additional time. If covered under this permit and the Operator fails to submit an NPDES individual permit application as required by EPA, the applicability of this permit to such Operator is terminated at the end of the day specified by EPA as the deadline for application submittal. EPA may take enforcement action for any unpermitted discharge or violation of any permit requirement.

1.3.2 Operator Requesting Coverage under an Alternative Permit

If an Operator does not want to be covered by this general permit but needs permit coverage, the Operator can apply for an NPDES individual permit. In such a case, the Operator must submit an individual permit application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to EPA at the applicable EPA Regional Office listed in Part 8 of this permit. The request may be

granted by issuance of an NPDES individual permit or authorization of coverage under an alternative NPDES general permit.

When an individual NPDES permit is issued, or the Operator is authorized under an alternative NPDES general permit to discharge a pollutant to Waters of the United States as a result of a pesticide application, authorization to discharge under this permit is terminated on the effective date of the NPDES individual permit or the date of authorization of coverage under the alternative NPDES general permit.

1.4 Severability

Invalidation of a portion of this permit does not render the whole permit invalid. EPA's intent is that the permit will remain in effect to the extent possible; if any part of this permit is invalidated, the remaining parts of the permit will remain in effect unless EPA issues a written statement otherwise.

1.5 Other Federal and State Laws

Operators must comply with all other applicable federal and state laws and regulations that pertain to the application of pesticides. For example, this permit does not negate the requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and its implementing regulations to use registered pesticides consistent with the product's labeling. In fact, applications in violation of certain FIFRA requirements could also be a violation of the permit and therefore a violation of the CWA (e.g. exceeding label application rates). Additionally, other laws and regulations might apply to certain activities that are also covered under this permit (e.g., United States Coast Guard regulations).

1.6 Federally Listed Endangered and Threatened Species and Designated Critical Habitat

Operators must comply with all conditions and/or requirements that address discharges from activities also covered under this permit resulting from any of the following pre-existing situations:

- a. ESA Section 7 consultation that Operators have completed with FWS and/or NMFS, and/or
- b. ESA Section 10 permit issued to the Operator by FWS and/or NMFS.

2.0 Technology-Based Effluent Limitations

This Part includes technology-based effluent limitations applicable to all Operators, as defined in Appendix A, for any discharges authorized under this permit, with compliance required upon beginning such discharge. All Operators are classified as either “Applicators” or “Decision-makers,” as defined in Appendix A, or both. Applicators must perform the tasks identified in Part 2.1 – Applicators’ Responsibilities. Decision-makers must perform the tasks identified in Part 2.2 – Decision-makers’ Responsibilities. There may be instances when a single entity acts as both an Applicator and a Decision-maker.

If an Operator’s discharge of pollutants results from the application of pesticide that is being used solely for the purpose of “pesticide research and development,” as defined in Appendix A, the Operator must use such pesticide consistent with any applicable research plan and experimental use permit.

As stated in Part 1.5, this permit requires all Operators to comply with all other applicable federal or state laws and regulations that pertain to application of pesticides by the Operator.

2.1 Applicators’ Responsibilities – To meet the effluent limitations of this permit, all Applicators must implement Part 2.1 to minimize the discharge of pesticides to Waters of the United States from the application of pesticides, through the use of Pest Management Measures, as defined in Appendix A.

- 2.1.1 To the extent not determined by the Decision-maker, use only the amount of pesticide and frequency of pesticide application necessary to control the target pest, using equipment and application procedures appropriate for this task.
- 2.1.2 Maintain pesticide application equipment in proper operating condition, including requirement to calibrate, clean, and repair such equipment and prevent leaks, spills, or other unintended discharges.
- 2.1.3 Assess weather conditions (e.g. temperature, precipitation and wind speed) in the treatment area to ensure application is consistent with all applicable federal requirements.

2.2 Decision-makers’ Responsibilities: For All Decision-makers

To meet the effluent limitations in Part 2.2, all Decision-makers must minimize the discharge of pesticides to Waters of the United States from the application of pesticides, through the use of Pest Management Measures, as defined in Appendix A.

To the extent the Decision-maker determines the amount of pesticide or frequency of pesticide application, the Decision-maker must use only the amount of pesticide and frequency of pesticide application necessary to control the target pest.

Decision-Maker’s Responsibilities: For Any Decision-maker Who is or Will be Required to Submit an NOI

To meet the effluent limitations of this permit, prior to pesticide application, any Decision-maker is or will be required to submit an NOI as required in Part 1.2.2, except

those Decision-makers that will need to submit an NOI only because they discharge to Waters of the United States containing NMFS Listed Resources of Concern and that also comply with provisions in Part 1.6, must also implement Parts 2.2.1 - 2.2.4 to minimize the discharge of pesticides to Waters of the United States from the application of pesticides, through the use of Pest Management Measures, as defined in Appendix A.

2.2.1 Mosquito and Other Flying Insect Pest Control

This part applies to discharges from the application of pesticides for mosquito and other flying insect pest control as defined in Part 1.1.1.

a. Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:

1. Establish densities for larval and adult mosquito or flying insect pest populations or identify environmental condition(s), either current or based on historical data, to serve as action threshold(s) for implementing Pest Management Measures;
2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;
3. Identify known breeding sites for source reduction, larval control program, and habitat management;
4. Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems; and
5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.1.a.

b. Pest Management Options. Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control mosquitoes or other flying insect pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

1. No action
2. Prevention
3. Mechanical or physical methods
4. Cultural methods

5. Biological control agents
 6. Pesticides
- c. Pesticide Use.** If a pesticide is selected to manage mosquitoes or flying insect pests, and application of the pesticide will result in a discharge to Waters of the United States, any Decision-maker who is or will be required to submit an NOI must:
1. Conduct larval and/or adult surveillance in an area that is representative of the pest problem or evaluate existing larval surveillance data, environmental conditions, or data from adjacent areas prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met;
 2. Reduce the impact on the environment and on non-target organisms by applying the pesticide only when the action threshold(s) has been met;
 3. In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when the larval action threshold(s) has been met; and
 4. In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or flying insect pest control when the adult action threshold(s) has been met.

2.2.2 Weed and Algae Pest Control

This part applies to discharges from the application of pesticides for control of weeds, algae, and pathogens as defined in Part 1.1.1.

- a. Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-makers who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
 2. Identify target pest(s);
 3. Identify possible factors causing or contributing to the pest problem (e.g., nutrients, invasive species, etc);
 4. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.2.b; and
 5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.2.a.
- b. Pest Management Options.** Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must

select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

1. No action
 2. Prevention
 3. Mechanical or physical methods
 4. Cultural methods
 5. Biological control agents
 6. Pesticides
- c. Pesticide Use.** If a pesticide is selected to manage pests, and application of the pesticide will result in a discharge to Waters of the United States, any Decision-maker who is or will be required to submit an NOI must:
1. Conduct surveillance in an area that is representative of the pest problem prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met; and
 2. Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met.

2.2.3 Animal Pest Control

This part applies to discharges from the application of pesticides for control of animal pests as defined in Part 1.1.1.

- a. Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
 2. Identify target pest(s);
 3. Identify possible factors causing or contributing to the problem (e.g., nutrients, invasive species);
 4. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.3.b; and
 5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.3.a.

- b. Pest Management Options** Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each year thereafter prior to the first pesticide application during that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:
1. No action.
 2. Prevention
 3. Mechanical or physical methods
 4. Biological control agents
 5. Pesticides
- c. Pesticide Use.** If a pesticide is selected to manage pests and application of the pesticide will result in a discharge to Waters of the United States, any Decision-maker who is or will be required to submit an NOI must:
1. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the action threshold(s) is met; and
 2. Reduce the impact on the environment and non-target organisms by evaluating site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold(s) has been met.

2.2.4 Forest Canopy Pest Control

This part applies to discharges from the application of pesticides for forest canopy pest control as defined in Part 1.1.1.

- a. Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application in that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
1. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.4.b;
 2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;
 3. Identify current distribution of the target pest and assess potential distribution in the absence of Pest Management Measures; and
 4. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.4.a.

- b. Pest Management Options** Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:
1. No action
 2. Prevention
 3. Mechanical/physical methods
 4. Cultural methods
 5. Biological control agents
 6. Pesticides
- c. Pesticide Use.** If a pesticide is selected to manage forestry pests, and application of the pesticide will result in a discharge to Waters of the United States, any Decision-maker who is or will be required to submit an NOI must:
1. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the pest action threshold is met;
 2. Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action threshold(s) has been met; and
 3. Evaluate using pesticides against the most susceptible developmental stage.

3.0 Water Quality-Based Effluent Limitations

All Operators must control discharges as necessary to meet applicable numeric and narrative state or tribal water quality standards, for any discharges authorized under this permit, with compliance required upon beginning such discharge.

If at any time an Operator becomes aware (e.g., through self-monitoring or by notification from the state or tribe), or EPA determines, that the Operator's discharge causes or contributes to an excursion of any applicable water quality standard, the Operator must take corrective action as required in Part 6 and Appendix B, Section B.3, up to and including the ceasing of the discharge, if necessary.

4.0 Monitoring

4.1 Visual Monitoring Requirements for Pesticide Applicators

During any pesticide application with discharges authorized under this permit, all Applicators must, when considerations for safety and feasibility allow, visually assess the area to and around where pesticides are applied for possible and observable adverse incidents, as defined in Appendix A, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

4.2 Visual Monitoring Requirements for all Operators

During any Operator post-application surveillance of any pesticide application with discharges authorized under this permit, all Operators must visually assess the area to and around where pesticides were applied for possible and observable adverse incidents, as defined in Appendix A, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

5.0 Pesticide Discharge Management Plan

Any Decision-maker who is or will be required to submit an NOI, as required in Part 1.2.2, and is a *large entity*, as defined in Appendix A, must prepare a Pesticide Discharge Management Plan (PDMP) by the time the NOI is filed, with two exceptions (for which a PDMP is not required to be developed):

- Any application is made in response to a Declared Pest Emergency Situation, as defined in Appendix A; or

Any Decision-maker that is required to submit an NOI solely because their application results in a point source discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A.

The PDMP does not contain effluent limitations; the effluent limitations are specified in Parts 2 and 3 of the permit. The PDMP documents how Decision-makers will implement the effluent limitations in Parts 2 and 3 of the permit, including the evaluation and selection of Pest Management Measures to meet those effluent limitations in order to minimize discharges. In the PDMP, Decision-makers may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If Decision-makers rely upon other documents to comply with the effluent limitations in this permit, such as a pre-existing pest management plan, the Decision-maker must attach to the PDMP a copy of any portions of any documents that are used to document the implementation of the effluent limitations.

5.1 Contents of the Pesticide Discharge Management Plan. The PDMP must include the following elements:

- a. Pesticide Discharge Management Team
- b. Problem Identification
- c. Pest Management Options Evaluation
- d. Response Procedures
 1. Spill Response Procedures
 2. Adverse Incident Response Procedures
- e. Documentation to support eligibility considerations under other federal laws
- f. Signature Requirements.

5.1.1 PDMP Team. Decision-makers must identify all the persons (by name and contact information) that compose the team as well as each person's individual responsibilities, including:

- a. Person(s) responsible for managing pests in relation to the pest management area
- b. Person(s) responsible for developing and revising the PDMP; and
- c. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements;

5.1.2 Problem Identification. Decision-makers must document the following:

- a. Pest problem description. Document a description of the pest problem at the pest management area, including identification of the target pest(s), source(s) of the pest problem, and source of data used to identify the problem in Parts 2.2.1, 2.2.2, 2.2.3, and 2.2.4.
- b. Action Threshold(s). Describe the action threshold(s) for the pest management area, including data used in developing the action threshold(s) and method(s) to determine when the action threshold(s) has been met.
- c. General location map. In the plan, include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the Waters of the United States and
- d. Water quality standards. Document any Tier 3 (Outstanding National Resource Waters) and any water(s) identified as impaired by a substance which either is an active ingredient or a degradate of such an active ingredient.

5.1.3 Pest Management Options Evaluation

Decision-makers must document the evaluation of the pest management options, including combination of the pest management options, to control the target pest(s). Pest management options include the following: No action, prevention, mechanical/physical methods, cultural methods, biological control agents, and pesticides. In the evaluation, Decision-makers must consider the impact to water quality, impact to non-target organisms, feasibility, cost effectiveness, and any relevant previous Pest Management Measures.

5.1.4 Response Procedures. Decision-makers must document the following procedures in the PDMP:

- a. Spill Response Procedures – At a minimum, Decision-makers must have:
 1. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases to Waters of the United States. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the PDMP team.
 2. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.
- b. Adverse Incident Response Procedures – At a minimum, Decision-makers must have:
 1. Procedures for responding to any adverse incident resulting from pesticide applications;
 2. Procedures for notification of the adverse incident, both internal to the Decision-maker's agency/organization and external. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

5.1.5 Documentation to Support Eligibility Considerations under Other Federal Laws.

Decision-makers must keep, with the PDMP, documentation supporting their determination with regard to Part 1.1.2.4 (Endangered and Threatened Species and Critical Habitat Protection).

5.1.6 Signature Requirements. Decision-makers must sign, date and certify the PDMP in accordance with Appendix B, Subsection B.11.**5.2 Pesticide Discharge Management Plan Modifications.** Decision-makers must modify the PDMP whenever necessary to address any of the triggering conditions for corrective action in Part 6.1, or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, no later than 90 days after any change in pesticide application activities. The revised PDMP must be signed and dated in accordance with Appendix B, Subsection B.11.**5.3 Pesticide Discharge Management Plan Availability.** Decision-makers must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in Section III.3 of the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request, to EPA; a State, Tribal, or local agency governing discharges or pesticide applications within their respective jurisdictions; and representatives of the United States Fish and Wildlife Service (FWS) or NMFS. EPA may provide copies of the PDMP or other information related to this permit that is in its possession to members of the public. Any Confidential Business Information (CBI), as defined in 40 CFR Part 2, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 40 CFR Part 2; however, CBI must be submitted to EPA, if requested, and may not be withheld from those staff within EPA, FWS, and NMFS cleared for CBI review.

6.0 Corrective Action

All Operators must comply with the provisions of Part 6 for any discharges authorized under this permit, with compliance required upon beginning such discharge.

6.1 Situations Requiring Revision of Pest Management Measures

Operators must review and, as necessary, revise the evaluation and selection of Pest Management Measures consistent with Part 2.1 and 2.2 for the following situations:

- a. An unauthorized release or discharge associated with the application of pesticides (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs.
- b. Operators become aware, or EPA concludes, that Pest Management Measures are not adequate/sufficient for the discharge to meet applicable water quality standards.
- c. Any monitoring activities indicate failure to meet applicable technology-based effluent limitations in Part 2.
- d. An inspection or evaluation of activities by an EPA official, or local, state, or tribal entity, reveals that modifications to the Pest Management Measures are necessary to meet the effluent limitations in this permit.
- e. Any Operator observes or is otherwise made aware of an adverse incident as defined in Appendix A.

6.2 Corrective Action Deadlines

If an Operator determines that changes to Pest Management Measures are necessary to eliminate any situation identified in Part 6.1, such changes must be made before or, if not practicable, as soon as possible after the next pesticide application that results in a discharge.

6.3 Effect of Corrective Action

The occurrence of a situation identified in Part 6.1 may constitute a violation of the permit. Correcting any situation identified in Part 6.1 does not absolve Operators of liability for any original violation. However, failure to comply with Part 6.2 constitutes an additional permit violation. EPA will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

EPA may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Part 6.1 and 6.2 if such requirements conflict.

6.4 Adverse Incident Documentation and Reporting

6.4.1 Twenty-Four (24)-Hour Adverse Incident Notification

6.4.1.1 *Adverse Incident Notification Required*

Except as provided for in Part 6.4.4, if an Operator observes or is otherwise made aware of an adverse incident, as defined in Appendix A, which may have resulted from a discharge from a pesticide application, the Operator must immediately notify the appropriate EPA Incident Reporting Contact, as identified at www.epa.gov/npdes/pesticides. This notification must be made by telephone within 24 hours of the Operator becoming aware of the adverse incident and must include at least the following information:

- a. The caller's name and telephone number;
- b. Operator name and mailing address;
- c. If covered under an NOI, the NOI NPDES permit tracking number assigned by EPA;
- d. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
- e. How and when the Operator became aware of the adverse incident;
- f. Description of the location of the adverse incident;
- g. Description of the adverse incident identified and the pesticide product, including EPA pesticide registration number, for each product applied in the area of the adverse incident;
- h. Description of any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects; and
- i. If known, the identity of any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident.

If an Operator is unable to notify EPA within 24 hours, the Operator must do so as soon as possible and also provide an appropriate rationale for why the Operator was unable to provide such notification within 24 hours.

The adverse incident notification and reporting requirements are in addition to what the registrant is required to submit under FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

6.4.1.2 *Adverse Incident Notification Not Required*

Reporting of adverse incidents is not required under this permit in the following situations:

- a. An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;
- b. An Operator has been notified by EPA, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;

- c. An Operator receives information of an adverse incident, but that information is clearly erroneous; or
- d. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

6.4.2 Thirty (30)-Day Adverse Incident Written Report

Except as provided for in Part 6.4.4, within 30 days of a reportable adverse incident pursuant to Part 6.4.1.1, Operators must provide a written report of the adverse incident to the appropriate EPA Regional office at the address listed in Part 8 and to the state lead agency for pesticide regulation (see <http://npic.orst.edu/state1.htm>). The adverse incident report must include at least the following information:

- a. Information required to be provided in Part 6.4.1.1;
- b. Date and time the Operator contacted EPA notifying the Agency of the adverse incident, who the Operator spoke with at EPA, and any instructions received from EPA;
- c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);
- d. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;
- e. Magnitude and scope of the affected area (e.g., aquatic square area or total stream distance affected);
- f. Pesticide application rate; intended use site (e.g., on the bank, above waters, or directly to water); method of application; and the name of pesticide product and EPA registration number;
- g. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);
- h. If laboratory tests were performed, an indication of which test(s) were performed, and when; additionally, a summary of the test results must be provided within 5 days after they become available if not available at the time of submission of the 30-day report;
- i. Description of actions to be taken to prevent recurrence of adverse incidents; and
- j. Signature, date, and certification in accordance with Appendix B, Subsection B.11.

6.4.3 Adverse Incident to Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this section, if an Operator becomes aware of an adverse incident affecting a federally listed threatened or endangered species or its federally designated critical habitat which may have resulted from a discharge from the Operator's pesticide application, the Operator must immediately notify NMFS in the case of an anadromous or marine species, or FWS in the case of a terrestrial or freshwater species. This notification must be made by telephone, to the contacts listed on EPA's website at www.epa.gov/npdes/pesticides, immediately upon the Operator becoming aware of the adverse incident, and must include at least the following information:

- a. The caller's name and telephone number;

- b. Operator name and mailing address;
- c. The name of the affected species;
- d. How and when the Operator became aware of the adverse incident;
- e. Description of the location of the adverse incident;
- f. Description of the adverse incident and the pesticide product, including the EPA pesticide registration number, for each product applied in the area of the adverse incident; and
- g. Description of any steps the Operator has taken or will take to alleviate the adverse impact to the species.

Additional information on federally-listed threatened or endangered species and federally-designated critical habitat is available from NMFS (www.nmfs.noaa.gov) for anadromous or marine species or FWS (www.fws.gov) for terrestrial or freshwater species.

6.4.4 Notification and Reporting for Adverse Incidents Involving Multiple Operators

Where multiple Operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of the written report required in Part 6.4.2 is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

6.5 Reportable Spills and Leaks

6.5.1 Spill, Leak, or Other Unpermitted Discharge Notification

Where a leak, spill, or other release into Waters of the United States containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs in any 24-hour period, an Operator must notify the National Response Center immediately at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as the Operator has knowledge of the release. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

State or local requirements may necessitate also reporting spills or leaks to local emergency response, public health, or drinking water supply agencies.

6.5.2 Thirty-Day Spill, Leak, or Other Unpermitted Discharge Documentation

If an Operator becomes aware of a spill, leak, or other unpermitted discharge which triggers the notification in Part 6.5.1 and results in an adverse incident, then the Operator must report the incident per the guidelines in Part 6.4.1 and 6.4.2. If the spill, leak, or other unpermitted discharge triggers the notification in Part 6.5.1, but does not result in

an adverse incident, then the Operator must document and retain the following information within 30 days of becoming aware of the situation:

- a. Information required to be provided in Part 6.5.1;
- b. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed; and
- c. Any measures to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

6.6 Other Corrective Action Documentation

For situations identified in Part 6.1, other than for adverse incidents (addressed in Part 6.4), or reportable spills or leaks (addressed in Part 6.5), Operators must document the situation triggering corrective action and planned corrective action within 30 days of becoming aware of that situation, and retain a copy of this documentation. This documentation must include the following information:

- a. Identification of the condition triggering the need for corrective action review, including any ambient water quality monitoring that assisted in determining that discharges did not meet water quality standards;
- b. Brief description of the situation;
- c. Date the problem was identified;
- d. Brief description of how the problem was identified, how the Operator learned of the situation, and date the Operator learned of the situation;
- e. Summary of corrective action taken or to be taken, including date initiated and date completed or expected to be completed; and
- f. Any measures to prevent reoccurrence of such an incident, including notice of whether PDMP modifications are required as a result of the incident.

7.0 Recordkeeping and Annual Reporting

The recordkeeping and annual reporting requirements vary depending on the type of Operator, whether a Decision-maker is a small or large entity, or whether a Decision-maker is required to submit an NOI solely because the discharge overlaps with NMFS Listed Resources of Concern, as defined in Appendix A. Table 7-1 references applicable requirements for the range of Operators covered under this permit.

Table 7-1: Applicable Recordkeeping and Annual Reporting Requirements for Different Types of Operators.

PGP Part	Applicable Type of Operator
7.1	Recordkeeping: All Operators
7.2	Recordkeeping: All Operators who are For-Hire Applicators, as defined in Appendix A
7.3	Recordkeeping: Any Decision-maker required to submit an NOI and who is a <i>small entity</i> ¹
7.4	Recordkeeping: Any Decision-maker required to submit an NOI and who is a <i>large entity</i> ²
7.5	Retention of Records: All Operators
7.6	Annual Reporting: Any Decision-maker required to submit an NOI and who is a <i>large entity</i> ²
7.7	Annual Reporting: Any Decision-maker with discharges to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, and who is a <i>small entity</i> ¹
¹ Small Entity – As defined in Appendix A, is any (1) public entity that serves a population of 10,000 or less or (2) private enterprise that does not exceed the Small Business Administration size standard as identified at: www.sba.gov/contractingopportunities/officials/size/table/index.html . ² Large Entity - As defined in Appendix A, is any (1) public entity that serves a population greater than 10,000 or (2) private enterprise that exceeds the Small Business Administration size standard as identified at: www.sba.gov/contractingopportunities/officials/size/table/index.html .	

Operators must keep written records as required in this permit for all discharges covered under this permit. These records must be accurate and complete to demonstrate the Operator's compliance with the conditions of this permit. Operators may rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided that all requirements of this permit are satisfied.

EPA recommends that all Decision-makers, who are or may be required to submit an NOI based on their annual treatment area, keep records of acres or linear miles treated for all applicable use patterns covered under this general permit. The records should be kept up-to-date to help Decision-makers determine if the annual treatment area threshold, as identified in Part 1.2.2, is met during any calendar year.

7.1 Recordkeeping For All Operators – All Operators must keep the following records:

- A copy of any Adverse Incident Reports (See Part 6.4.2);
- Rationale for any determination that reporting of an identified adverse incident is not required, consistent with allowances identified in Part 6.4.1.2;

- c. A copy of any corrective action documentation (See Part 6.6); and,
- d. A copy of any spill and leak or other unpermitted discharge documentation (See Part 6.5.2)

7.2 Recordkeeping for All Operators who are For-Hire Applicators –

Beginning January 12, 2012, any Operator who is a For-Hire Applicator, as defined in Appendix A, must retain the following records:

- a. Documentation of equipment calibration; and
- b. Information on each treatment area to which pesticides are discharged, including:
 - 1. Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters, either by name or by location, to which pesticide(s) are discharged;
 - 2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
 - 3. Target pest(s);
 - 4. Name of each pesticide product used including the EPA registration number;
 - 5. Quantity of each pesticide product applied to each treatment area;
 - 6. Pesticide application date(s); and
 - 7. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

7.3 Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Small Entity –

Beginning January 12, 2012, any Decision-maker required to submit an NOI that is defined as a *small entity*, must retain the following records at the address provided on the NOI:

- a. Copy of the NOI submitted to EPA, any correspondence exchanged between the Decision-maker and EPA specific to coverage under this permit, and a copy of the EPA acknowledgment letter with the assigned permit tracking number;
- b. Documentation of equipment calibration (only if Decision-maker is also the Applicator);
- c. Information on each treatment area to which pesticides are discharged, including:
 - 1. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any Waters of the United States, either by name or by location, to which pesticide(s) are discharged;
 - 2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
 - 3. Target pest(s) and explanation of need for pest control;
 - 4. Description of pest management measure(s) implemented prior to the first pesticide application;

5. Company name and contact information for pesticide applicator;
6. Name of each pesticide product used including the EPA registration number;
7. Quantity of each pesticide product applied to each treatment area;
8. Pesticide Application Start Date;
9. Pesticide Application End Date; and
10. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

A worksheet for documenting this information on each treatment area is provided in Appendix F, Pesticide Discharge Evaluation Worksheet.

7.4 Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Large Entity – Beginning January 12, 2012, any Decision-maker required to submit an NOI that is defined as a *large entity* must retain the following records at the address provided on the NOI:

- a. Copy of the NOI submitted to EPA, any correspondence exchanged between the Decision-maker and EPA specific to coverage under this permit, and a copy of the EPA acknowledgment letter with the assigned permit tracking number;
- b. A copy of the PDMP, including any modifications made to the PDMP during the term of this permit;
- c. Copy of annual reports submitted to EPA;
- d. Documentation of equipment calibration (only if Decision-maker is also the Applicator);
- e. Information on each treatment area to which pesticides are discharged, including:
 1. Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any Waters of the United States, either by name or by location, to which pesticide(s) are discharged;
 2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
 3. Target pest(s) and explanation of need for pest control;
 4. Action Thresholds;
 5. Method and/or data used to determine that action threshold(s) has been met;
 6. Description of pest management measure(s) implemented prior to the first pesticide application;
 7. Company name and contact information for pesticide applicator;
 8. Name of each pesticide product used including the EPA registration number;
 9. Quantity of each pesticide product applied to each treatment area;
 10. Pesticide application date(s); and

11. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

7.5 Retention of Records for All Operators – All required records must be documented as soon as possible but no later than 14 days following completion of each pesticide application. Operators must retain any records required under this permit for at least 3 years after the Operator's coverage under this permit expires or is terminated. Operators must make available to EPA, including an authorized representative of EPA, all records kept under this permit upon request and provide copies of such records, upon request.

7.6 Annual Reporting for Any Decision-maker Required to Submit an NOI and Who is a Large Entity – Any Decision-maker required to submit an NOI and is defined as a *large entity* in Appendix A, must submit an annual report to EPA. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit, whether or not the Decision-maker has discharges from the application of pesticides in any subsequent calendar year. Decision-makers must submit the annual report electronically through EPA's notice processing system (eNOI), available at www.epa.gov/npdes/pesticides, unless eNOI is otherwise unavailable or the Decision-maker meets the waiver requirements for submitting a paper annual report. Decision-makers waived from the requirement to use eNOI for annual report submission must certify on the paper annual report submitted to EPA the rationale for eligibility to use the waiver. The annual report must be submitted to EPA Headquarters (either through eNOI or if eNOI is otherwise unavailable or the Decision-maker meets the eNOI waiver requirement, to the EPA Headquarters address identified in Part 8.1) no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. Annual reporting requirements begin with those discharges occurring during calendar year 2012.

Any decision-maker required to submit an NOI based on an annual treatment area threshold must include information for the calendar year, with the first annual report required to include activities for the portion of the calendar year after the point at which the Decision-maker exceeded the annual treatment area threshold. If the Decision-maker first exceeds an annual treatment area threshold after December 1, an annual report is not required for that first partial year but an annual report is required thereafter, with the first annual report submitted also including information from the first partial year.

When Decision-makers terminate permit coverage, as specified in Part 1.2.5, an annual report must be submitted for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the next year.

The annual report must contain the following information:

- a. Decision-maker's name and contact information;
- b. NPDES permit tracking number(s);

- c. Contact person name, title, e-mail address (if any), and phone number; and
- d. For each treatment area, report the following information:
 - 1. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any Waters of the United States, either by name or by location, to which pesticide(s) are discharged;
 - 2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy) and target pest(s);
 - 3. Company name(s) and contact information for pesticide applicator(s), if different from the Decision-maker;
 - 4. Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
 - 5. Whether this pest control activity was addressed in the PDMP prior to pesticide application;
 - 6. If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Part 6.4.1; and
 - 7. If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

7.7 Annual Reporting for Any Decision-maker with Discharges to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, and Who is a *Small Entity*

— Any Decision-maker required to submit an NOI for discharges to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, and is a *small entity*, as defined in Appendix A, must submit an annual report to EPA. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit, whether or not the Decision-maker has discharges from the application of pesticides in any subsequent calendar year. Decision-makers must submit the annual report electronically through EPA's notice processing system (eNOI), available at www.epa.gov/npdes/pesticides, unless eNOI is otherwise unavailable or the Decision-maker meets the waiver requirements for submitting a paper annual report. Decision-makers waived from the requirement to use eNOI for annual report submission must certify on the paper annual report submitted to EPA the rationale for eligibility to use the waiver. The annual report must be submitted to EPA Headquarters (either through eNOI or if eNOI is otherwise unavailable or the Decision-maker meets the eNOI waiver requirement, to the EPA Headquarters address identified in Part 8.1) no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. Annual reporting requirements begin with those discharges occurring during calendar year 2012.

When Decision-makers terminate permit coverage, as specified in Part 1.2.5, an annual report must be submitted for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the next year.

The annual report must contain the following information for any discharges to Waters of the United States containing NMFS Listed Resources of Concern:

- a. Decision-maker's name and contact information;
- b. NPDES permit tracking number(s);
- c. Contact person name, title, e-mail address (if any), and phone number; and
- d. For each treatment area, report the following information:
 1. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any Waters of the United States, either by name or by location, to which pesticide(s) are discharged;
 2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy) and target pest(s);
 3. Company name(s) and contact information for pesticide applicator(s), if different from the Decision-maker;
 4. Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
 5. The approximate date(s) of any discharge;
 6. If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Part 6.4.1; and
 7. If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

8.0 EPA Contact Information and Mailing Addresses

Decision-makers must submit any Notice of Intent, Notice of Termination, and annual report, as appropriate, using EPA's electronic eNOI system (www.epa.gov/npdes/eNOI) unless eNOI is otherwise unavailable or EPA waives the electronic submission requirement for an Operator consistent with the requirements identified on the Notice of Intent form in Appendix D, the Notice of Termination form in Appendix E, or the annual report form in Appendix G. If eNOI is unavailable or the Decision-maker is otherwise waived from electronic submission, Operators must submit these notices to EPA Headquarters at the address specified in Part 8.1.

Within 30 days of becoming aware of an adverse incident, Operators must send all incident reports under Part 6.4 to the appropriate EPA Regional offices (see Part 8.2) for the jurisdiction within which the incident occurred and to the appropriate state or tribal lead agency for pesticide regulation in that jurisdiction (see <http://npic.orst.edu/state1.htm>).

All other written correspondence concerning discharges in any state, Indian Country land, or from any federal facility covered under this permit and directed to the EPA, including individual permit applications, must be sent to the address of the appropriate EPA Regional Office listed below in Part 8.2.

Note: If EPA notifies Operators (either directly, by public notice, or by making information available on the Internet) of other reporting options that become available at a later date (e.g., electronic submission), Operators may take advantage of those options, in accordance with the instructions provided by EPA, to satisfy the reporting requirements of this permit.

8.1 EPA Headquarters Addresses

Via United States Mail:

United States Environmental Protection Agency
Office of Water, Water Permits Division
Mail Code 4203M, ATTN: NPDES Pesticides
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Via overnight/express delivery:

United States Environmental Protection Agency
Office of Water, Water Permits Division
Room 7420, ATTN: NPDES Pesticides
1201 Constitution Avenue, NW
Washington, DC 20004
Phone: 202-564-9545

8.2 EPA Regional Addresses

Region 1: Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and Maine

United States EPA Region 1
Office of Ecosystem Protection
5 Post Office Square, Suite 100
Mail code OEP 06-1
Boston, MA 02109-3912

Region 2: New Jersey, New York, Puerto Rico, and Virgin Islands

For Puerto Rico and the Virgin Islands:
United States EPA Region 2
Caribbean Environmental Protection Division
Environmental Management Branch
Centro Europa Building
1492 Ponce de Leon Avenue, Suite 417
San Juan, PR 00907-4127

For New Jersey and New York:
United States EPA Region 2
Division of Environmental Planning and Protection
290 Broadway
New York, NY 10007-1866

Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia

United States EPA Region 3
Water Protection Division (3WP40)
1650 Arch Street
Philadelphia, PA 19103

Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

United States EPA Region 4
Water Management Division
Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303

Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin

United States EPA Region 5
Water Division
NPDES Programs Branch
77 W. Jackson Boulevard
Mail Code WN16J
Chicago, IL 60604

Region 6: Arkansas, Louisiana, Oklahoma, Texas, and New Mexico (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)

United States EPA Region 6
NPDES Pesticides Permitting
P.O. Box 50625
Dallas, TX 75205

Region 7: Iowa, Kansas, Missouri, and Nebraska

United States EPA, Region 7
901 N. 5th Street
Kansas City, KS 66101

Region 8: Colorado, Montana, North Dakota, South Dakota, Wyoming, Utah (except see Region 9 for Goshute Reservation and Navajo Reservation lands), the Ute Mountain Reservation in New Mexico, and the Pine Ridge Reservation in Nebraska

United States EPA Region 8
8P-W-WW
1595 Wynkoop Street
Denver, CO 80202-1129

Region 9: Arizona; California; Hawaii; Nevada; Guam; American Samoa; the Commonwealth of the Northern Mariana Islands; the Goshute Reservation in Utah and Nevada; the Navajo Reservation in Utah, New Mexico, and Arizona; the Duck Valley Reservation in Idaho; and Fort McDermitt Reservation in Oregon

United States EPA Region 9
Water Management Division, WTR-5
75 Hawthorne Street
San Francisco, CA 94105

Region 10: Alaska, Idaho, Oregon (except see Region 9 for Fort McDermitt Reservation), and Washington

United States EPA Region 10
Office of Water and Watersheds OWW-130
1200 6th Avenue, Suite 900
Seattle, WA 98101

